



Order Filed on June 22, 2021
by Clerk
U.S. Bankruptcy Court
District of New Jersey

UNITED STATES BANKRUPTCY COURT
DISTRICT OF NEW JERSEY

Caption in Compliance with D.N.J. LBR 9004-1(b)

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M&T BANK

In Re:
Kathleen M. Butler, Kenneth M. Butler

Debtors.

Case No.: 17-24718 JNP

Adv. No.:

Hearing Date: 6/22/2021 @ 11:00 a.m.

Judge: Jerrold N. Poslusny Jr.

ORDER RESOLVING CERTIFICATION OF DEFAULT

The relief set forth on the following pages, numbered two (2) through two (2) is hereby **ORDERED.**

DATED: June 22, 2021

A handwritten signature in dark ink, appearing to read "Jerrold N. Poslusny, Jr.", is written over a horizontal line.

Honorable Jerrold N. Poslusny, Jr.
United States Bankruptcy Court

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Debtors: Kathleen M. Butler, Kenneth M. Butler

Case No: 17-24718 JNP

Caption of Order: ORDER RESOLVING CERTIFICATION OF DEFAULT

This matter having been brought before the Court by KML Law Group, P.C., attorneys for Secured Creditor, M&T Bank, Denise Carlon, Esq. appearing, upon a certification of default as to real property located at 248 Nabb Avenue, Millville, NJ, 08332, and it appearing that notice of said certification was properly served upon all parties concerned, and this Court having considered the representations of attorneys for Secured Creditor and Brad J. Spiller, attorney for Debtor, and for good cause having been shown

It is **ORDERED, ADJUDGED and DECREED** that as of June 8, 2021, Debtor is in arrears outside of the Chapter 13 Plan to Secured Creditor for payments due April 2020 through June 2021 excluding payments included in the forbearance for a total post-petition default of \$9,867.44 (3 @ \$1,269.76, 6 @ \$1,191.35; less \$1,089.94 suspense); and

It is further **ORDERED, ADJUDGED and DECREED** that the balance of the arrears in the amount of \$9,867.44 shall be added to the affidavit of amount due and paid through Debtor's Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that the debtor will file a modified plan within twenty days of the entry of this order; and

It is further **ORDERED, ADJUDGED and DECREED** that regular mortgage payments are to resume July 1, 2021, directly to Secured Creditor M&T Bank, P.O. Box 1288, Buffalo, NY 14240-1288 (Note: the amount of the monthly mortgage payment is subject to change according to the terms of the note and mortgage); and

It is further **ORDERED, ADJUDGED and DECREED** that for the Duration of Debtor's Chapter 13 bankruptcy proceeding, if the lump sum payment or any regular monthly mortgage payments are not made within thirty (30) days of the date said payment is due, Secured Creditor may obtain an Order Vacating Automatic Stay as to Real Property by submitting a Certification of Default to the Court indicating such payment is more than thirty days late, and Debtor shall have fourteen days to respond; and

It is further **ORDERED, ADJUDGED and DECREED** that a copy of any such application, supporting certification, and proposed Order must be served on the Trustee, Debtor, and Debtor's counsel at the time of submission to the Court; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor is hereby awarded reimbursement of fees and costs up to the sum of \$350.00 in an amount to be included in a post-petition fee notice for attorneys' fees which is to be paid through Debtor's Chapter 13 plan; and

It is further **ORDERED, ADJUDGED and DECREED** that Secured Creditor's Certification of Default is hereby resolved